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# Inmates. Family Visitation. Initiative Statute.

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SA2006RF0014,  
AMDT. #1-S

February 01, 2006

Patricia Galvan  
Office of the Attorney General  
1300 "I" Street, Ste. 125  
Sacramento, CA 95814

**RECEIVED**

FEB 02 2006

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Ms. Galvin:

Please find enclosed an amendment, revised form, of the proposed initiative, file number SA2006RF0014.

The text of the initiative is the same, however the format was revised to fit a more professional profile.

Thank you in advance for all of your help, I appreciate it.

Cordially,

Carmen Harris

THE CALIFORNIA PRISONER REHABILITATION INITIATIVE

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified voters of the State of California, residents of the afore-described County (or City and County), on the signature page of this petition section, hereby propose a new statute to the California Penal Code, relating to the rehabilitation of California prisoners, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statute (full title and text of the measure) reads as follows:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1. TITLE**

This initiative shall be known and may be cited as The California Prisoner Rehabilitation Initiative.

**SECTION 2. FINDINGS AND DECLARATIONS**

The People of the State of California do hereby find and declare as follows:

(a) The people of the State of California are aware that upwards of 85% of California's 160,000-plus state prisoners are prisoners who have been sentenced to determinate prison terms and therefore must be released/paroled from prison at some point in the not-too-distant future.

(b) The people, understanding that the release of these prisoners is inevitable, also realize that the release of the aforementioned prisoners will directly affect and have a direct impact upon them and their respective communities.

(c) The people believe that the security and safety of the public is of paramount importance and that it is inextricably tied to the rehabilitation of prisoners and their successful reintegration into society upon their eventual release.

(d) The people recognize that those findings and declarations previously made by the legislature (enumerated below) must be confirmed and accepted in their entirety and, consequently, a new emphasis and/or focus placed on rehabilitation programs designed to bring the people's mandate to fruition.

(e) The legislature has previously found and declared that there is a direct correlation between functionally literate prisoners, their successful reintegration into society upon release, and a corresponding reduction in the recidivism rate (See Penal Code Section 2053-2053.1.).

(f) Maintaining a prisoner's family and community relationships is a proven and effective correctional/management technique which reduces recidivism (See Penal Code Section 6350).

(g) Prisoners who have become drug and alcohol free while incarcerated appear to stand a much better chance of rehabilitating themselves and of successfully reintegrating into society and completing parole upon their release; it is the policy of the State to encourage drug testing in order to determine addiction to controlled substances and/or the absence thereof (See Health and Safety Code Section 11554).

(h) Enhancing visiting and visitor services encourages and promotes family and community ties which, in turn, discourages violent prisoner activity (See Penal Code Section 6350(b)).

### **SECTION 3. PURPOSE**

It is the intent and purpose of the People of the State of California in enacting this measure to:

(a) Ensure that the Secretary and Director of the California Department of Corrections and Rehabilitation acknowledge those aforementioned findings and declarations made by the legislature and begin to take definitive steps toward the realistic and achievable goal of rehabilitating those prisoners currently incarcerated within California's prisons who are, themselves, making or are willing to make a concerted effort to rehabilitate themselves.

### **SECTION 4. PROPOSED STATUTE**

(1)(a) Notwithstanding any other provision of law or department policy, and providing that all of the below enumerated conditions are met, the Secretary and Director of the California Department of Corrections and Rehabilitation shall permit all prisoners under their care, custody or control (except for those prisoners who are condemned to die or those who are assigned to a reception center, or administrative segregation/security housing unit) to participate in the family visiting program.

(b) Aside from those restrictions set forth in (1)(a) above, and those child victim visiting restrictions set forth in §1202.05 of the California Penal Code and §362.6 of the California Welfare and Institutions Code, there shall be no other restrictions with regard to participation except that prisoners shall be required before being allowed participation in the family visiting program, to meet the following conditions:

(c) Although the Director of the California Department of Corrections and Rehabilitation is currently required (pursuant to §§2053-2053.1 of the California Penal Code), to have in place a literacy program designed to ensure that prisoners are able to achieve a ninth-grade reading level upon parole, the Director shall require that any prisoner wishing to participate in the family visiting program must either have on file or obtain a high school diploma, high school equivalency or G.E.D.; moreover, the Director shall use those resources provided under §§2053.1, 2053.4, 2054 and 2054.1 of the California Penal Code, to provide each prisoner wishing to participate in the family visiting program with an opportunity, annually, to take such a test;

(d) Provided that a prisoner who wishes to participate in the family visiting program has already obtained a high school diploma, high school equivalency or G.E.D., he/she shall be required to agree to random drug testing and to participate in an Alcoholics Anonymous and/or Narcotics Anonymous program whenever one becomes available as a condition of being allowed to participate in the family visiting program.

(2) Notwithstanding any other provision of law or department policy, family visits shall not be denied to any prisoner based on their sentence, their custody designations, any prior guilty findings for any disciplinary offenses or crimes which were incurred prior to the enactment of this law, nor shall any prisoner be denied participation based on his/her commitment offense(s) or for any other reason not mentioned herein; further, while a violation of any visiting rule or regulation may result in a prisoner being denied participation in the family visiting program, such denial through disciplinary action shall be for a specified period of time not to exceed 180 days.

(3) Notwithstanding any other provision of law or department policy, the Secretary and Director of the California Department of Corrections shall permit all prisoners (except for those prisoners who have been assigned to a reception center or administrative segregation/security housing unit and those prisoners who violated visiting rules/regulations since the enactment of this law and subsequently had their contact visits suspended through a disciplinary or committee action) to have contact visits. Prisoners shall not be denied contact visits with any person based on length of sentence, custody designations, any prior guilty findings for any disciplinary offenses or crimes incurred prior to the enactment of this law, nor shall any prisoner be denied contact visits with any person because of his/her commitment offense(s) (except that those child victim visiting restrictions set forth in §1202.05 of the California Penal Code and §362.6 of the California Welfare and Institutions Code shall apply), or for any other reason not mentioned herein; further, while a violation of any visiting rule or regulation may result in a prisoner being denied participation in the family visiting program, such denial through disciplinary action shall be for a specified period of time not to exceed 180 days.

#### **SECTION 5. SEVERABILITY**

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications which can reasonably be given effect in the absence of the invalid provision or application.

#### **SECTION 6. CONFLICTING BALLOT MEASURES**

In the event that this measure and another measure or measures relating to the rehabilitation of California prisoners is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. If this measure is approved but does not receive a greater number of affirmative votes than said other measure or measures, this measure shall take effect to the extent permitted by law.

**SECTION 7.      AMENDMENT**

The Legislature shall not amend or repeal this initiative statute by another statute without the approval of the electors pursuant to Article II, §10, subdivision (c) of the California Constitution.